

To facilitate a fair and efficient process to develop and select for trial local cases related to the NHL MDL litigation, the Court hereby orders as follows:

1. The Parties agree that cases to be selected for the trial pool must be cases over which the Court has personal jurisdiction, cases that are properly venued for trial in the District of Minnesota, and cases that were filed directly in this Court and thus are not subject to *Lexecon* challenges.
2. No later than October 19, 2018, the NHL and the Plaintiffs' Executive Committee ("PEC") shall each identify the claims of eight plaintiffs that were directly filed in Minnesota to be placed in the pool of potential trial cases. The parties shall expedite any remaining medical records collection with respect to these 16 plaintiffs and shall bring to the Court's attention any difficulties they encounter in collecting such records. If the PEC or a plaintiff is unwilling or unable to conduct trials in one or more of the eight plaintiffs' cases proposed by the NHL, each such case shall be identified immediately to the NHL so that the plaintiff's case can be dismissed without prejudice and a replacement plaintiff's case can be selected by the NHL.
3. On or before November 2, 2018, the PEC and the NHL shall identify any of the other side's eight cases it believes is subject to dismissal or transfer based on jurisdictional or venue grounds and the specific basis for each such identified challenge.
4. The PEC and the NHL shall promptly meet and confer to discuss and attempt to resolve each side's respective identifications of jurisdictional or venue challenges. Prior to any motion practice, the PEC and the NHL may choose to replace any plaintiff's case that the other side is challenging based on lack of personal jurisdiction or venue with another trial candidate.
5. If the PEC or the NHL wishes to have any jurisdictional or venue issue resolved by the Court, it may file a motion with respect to a particular case to obtain a ruling on jurisdictional or venue issues.
6. Following resolution of any jurisdictional or venue motions, the parties shall conduct case-specific discovery in the remaining trial pool cases. Such discovery shall include, but not be limited to, a deposition of the plaintiff (or a representative or guardian), independent medical exams of the plaintiff (including neurological, psychiatric and neuropsychological testing akin to the exams that were undertaken of the proposed class representatives), production of any medical records not previously shared between counsel, production of any workers' compensation records and documents (including transcripts of depositions or other testimony as well as documents related to any qualified medical examinations) related to any other legal proceeding to which the plaintiff has been a party, third-party depositions of club personnel and third-party document production. The parties are expected to make good-faith efforts to complete this discovery within 150 days.
7. If the Court's ruling on jurisdictional or venue issues results in dismissal of the plaintiff in a trial pool case, the side that selected that case for the trial pool may identify a new plaintiff's case for the trial pool within ten days after the dismissal order is issued. Discovery shall proceed immediately regarding that plaintiff's case as provided in Paragraph 6. Within ten days after identification of the new plaintiff's case, the other side shall advise if it believes that case is

subject to dismissal or transfer based on jurisdictional or venue grounds and the specific basis for any such challenge. The steps set forth in Paragraphs 4 and 5 shall then proceed while discovery continues. If the Court's ruling on any jurisdictional or venue issue results in dismissal of a new case identified under this Paragraph, no replacement shall be designated.

8. If, at any point during the case-specific discovery process, any plaintiff's case selected by the NHL for inclusion in the trial pool is voluntarily dismissed, the NHL shall have ten days to select a replacement plaintiff's case. The parties shall then complete the same discovery contemplated by Paragraph 6 with respect to that plaintiff, and the parties shall expedite such discovery so as not to delay the trial selection process. If any trial pool plaintiff voluntarily dismisses his claims after the case-specific discovery process is completed, that dismissal shall be with prejudice, and the NHL shall be allowed to strike one of the remaining trial pool cases selected by the PEC.

9. Within 14 days of the completion of the discovery as to trial pool cases contemplated by Paragraph 6, the PEC and the NHL shall each select three cases from the remaining trial pool cases as Finalist Candidates for trial. None of these six Finalist Candidate cases may be voluntarily dismissed until the order of trials is established as provided in Paragraph 11.

10. No later than 10 days after the completion of the identification process, the PEC and the NHL may each strike one case from among the six Finalist Candidates.

11. Within five days after the strikes are exercised, the PEC and the NHL shall jointly submit to the Court a list of the remaining four cases (the "Trial Cases"). The Court will, at its earliest convenience, randomly select, from a hat, the order in which those four Trial Cases will be tried. Once the order of trials is established, if any of the Trial Cases is voluntarily dismissed, that dismissal shall be with prejudice. Further, the NHL may move for recovery of the reasonable fees and costs it incurred in conducting discovery in that case and otherwise preparing it for trial. If a Trial Case selected by the NHL is voluntarily dismissed, the NHL shall choose which remaining Trial Case will be tried in its place. Further, the NHL will be allowed to select and prepare for trial a replacement case, including any case stricken by the PEC during the foregoing process. If both Trial Cases selected by the NHL are voluntarily dismissed, no trials will occur until the NHL is allowed to select and prepare for trial two replacement cases, including any case stricken by the PEC during the foregoing process.

12. Once the order of trials is established in accordance with Paragraph 11, the Court will enter a scheduling order for each case that includes deadlines for completing fact and expert discovery as well as any motions for summary judgment (e.g., preemption, statute of limitations), *Daubert* motions and motions in limine.